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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/377,322	08/19/1999	JEFFREY P. BEZOS	AMAZON.012A2	7649

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EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,322

Applicant(s)

BEZOS ET AL.

Examiner

Naeem Haq

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56, and 63 is/are pending in the application.
- 4a) Of the above claim(s) 1-44, 51, 52 and 56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-50, 53-55 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to the Applicants' amendment C, paper number 12, filed on May 30, 2003.

Election/Restrictions

Claims 1-44, 51, 52, and 56 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: These claims recite the limitation of allowing a second user to elect exposing his or her purchase to a first user in a method and system for assisting the first user in evaluating items in an online catalog. This limitation shifts the scope of the invention to the same field of endeavor as claims 57-62 which the Applicants introduced in amendment B filed on November 11, 2002. The Examiner restricted claims 57-62 in the last Office Action dated February 3, 2003, and the Applicants did not traverse the Examiner's restriction. Both sets of claims are directed to a permission-based method and system for assisting users in evaluating an item in an online catalog.

Since the Applicants have received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-44, 51, and 52 are hereby withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Final R jection

Claim R jections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 45-50, 53-55, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US Patent 6,321,221 B1) in view of Chislenko et al (US Patent 6,041,311), and further in view of Information Week “Just Add People”, and Official Notice.

Referring to claims 45-46, 48, 49, 53-55, and 63, Bieganski teaches a computer implemented method of assisting users in selecting items to purchase from an electronic catalog of items, (column 5, lines 44-54; column 6, lines 38-47, lines 66-67; column 7, lines 1-10, column 16, lines 38-49, lines 62-67; column 17, lines 1-12), the method comprising:

- maintaining purchase history data for each of a plurality of users of the electronic catalog (column 6, line 66 – column 7, line 10);
- maintaining community (neighborhood) data indicative of user memberships within a specific community (neighborhood), wherein the community (neighborhood) represents a respective subset of a general user population (Figure 4; column 1, lines 46-62; column 6, line 38-47, lines 66-67; column 7, lines 1-50);
- monitoring online browsing of the electronic catalog by a first user to detect that an item accessed by the first user has been purchased by a

second user who is also a member of the community (neighborhood) as reflected by the purchase history data and the community (neighborhood) data (column 16, lines 62-67 – column 17, lines 1-25);

Bieganski does not teach that in response to identifying the second user, electronically notifying the first user that the item has been purchased by the second user, and providing contact information of the second user to the first user to allow the first user to communicate with the second user about the item. However, Chislenko also teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the contact information of one (second) user is given to another (first) user (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of Bieganski. One of ordinary skill in the art would have been motivated to do so in order to allow one user to communicate with another user about a common interest as taught by Chislenko. Neither Bieganski nor Chislenko explicitly teaches exposing the purchases made by one user to another user (i.e. "electronically notifying the first user that the item has been purchased by the second user"). However, this limitation is rendered obvious over the combination of Bieganski and Chislenko. Bieganski explicitly teaches identifying a neighborhood (community) associated with a first user based on a purchase or selection (column 7, lines 1-64). Chislenko teaches notifying one user that another user shares the same interest and allows the two users to communicate. Therefore by incorporating the teaching of Chislenko (i.e. online chat

Art Unit: 3625

between two users sharing the same interest) into the method of Bieganski, the combined reference of Bieganski and Chislenko enables a community which is based on a common purchase to notify one user that the item has been purchased by a another user. One of ordinary skill in the art would have been motivated to base the community on the purchase and not on the selection in order to create a more accurate recommendation which is the goal of any recommendation system. The combination of Bieganski and Chislenko does teach that the community is an explicit-membership community that users explicitly join, or that electronically notifying the first user comprises supplementing a catalog page requested by the first user to include a notification that the item has been purchased by a second user, said catalog page being a page on which the item is displayed. However, Information Week teaches a method of collaborative filtering wherein the community is an explicit community (page 2, paragraph 4). Information Week teaches that GroupLens version 2.5 allows users to explicitly identify a community they want to be associated with by submitting a specific group of people. Furthermore, Information Week teaches that GroupLens "...generates a personalized home page for each user..." (page 2, paragraph 5). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Information Week into the method Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to allow a user to control what group the recommendation engine used to generate the personalized recommendation as taught by Information Week. Furthermore, one of ordinary skill in the art would have been motivated to incorporate the personalized home

Art Unit: 3625

page of Information Week into the method of Bieganski and Chislenko in order to provide a user with a graphically enriched web page. Likewise the use of a catalog page to display item information would also have been obvious to one of ordinary skill in the art. One of ordinary skill in the art would have been motivated to do so in order to display individual product details in the web-based bookstore of Bieganski (column 16, lines 62-66). Finally, the combination of Bieganski, Chislenko, and Information Week does not teach maintaining a personal address book data for each of a plurality of users, or that the second user is included in the personal address book of the first user. However, as the Examiner has already noted above, Information Week teaches that a user can submit a specific group of people to generate a recommendation. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, for a user to submit a specific group of people based on a personal address book. One of ordinary skill in the art would have been motivated to do so in order to allow a user to select a group of people that he / she corresponded with regularly (i.e. address book).

Referring to claim 47, the cited prior art does not teach providing an instant message to the second user from the first user. However, Official Notice is taken that it is old and well known in the art to provide instant messaging. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate an instant messaging feature into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to facilitate communication between two users.

Referring to claim 50, Bieganski, Chislenko, and Information Week teach all the limitations of claim 45 as noted above. Furthermore, Information Week teaches a method of collaborative filtering for making recommendations wherein the user submits a specific group of people (private / explicit community) for the recommendations to be based on (page 2, paragraph 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have a user submit a specific group of people from his or her email address book, or from anywhere else, for the purpose of receiving a recommendation in the method of Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to base a user's recommendations on a group of people that the user corresponded or interacted with regularly.

Response to Arguments

Since the Applicants have failed to seasonably challenge the Examiner's Official Notice presented in the previous Office Actions, the Examiner now interprets all Official Notices as admitted prior art. *Applicant must seasonably challenge well known statements and statements based on personal knowledge when they are made. In re Selmi, 156 F.2d 96, 70 USPQ 197 (CCPA 1946). If Applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d71, 60 USPQ 239 (CCPA 1943). Also see MPEP 2144.03.*

Referring to claims 45-52, Applicant's arguments filed May 30, 2003 have been fully considered but they are not persuasive. The Applicants have argued that the phrase "explicit-membership communities" allows users to control or limit exposure of their purchase histories to other users. The Examiner respectfully disagrees with this interpretation. The specification cited by the Applicants does not define "explicit-membership communities" as allowing users to control exposure of their purchase histories. Instead the specification states, "The explicit membership communities may include, for example, specific universities, outdoors clubs, community groups, and professions. Users may also have the option of adding explicit membership communities to the system, including communities that are private (not exposed to the general population)." The feature of allowing users to control or limit exposure of their purchase histories to other users appears to be a separate and distinct feature which is not inherently coupled to the phrase "explicit-membership communities." The Applicants have also argued that the groups of users disclosed by Information Week are not "explicit-membership communities" because the users do not explicitly join them. The Examiner disagrees. Information Week clearly states that users explicitly join a specific group. The Applicants have argued that the references do not teach the limitation of supplementing a catalog page requested by the first user to include a notification that the item has been purchased by the second user, said catalog page being a page in which the item is displayed. The Examiner disagrees. Information Week teaches that the personalized home page displays "resources" which may interest the user and shows a list of "neighbors" with similar interests. Finally the Applicants

Art Unit: 3625

have argued that their invention addresses privacy issues which are not addressed by the prior art. In response the Examiner notes that these features are not recited in claim 45. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). For these reasons, the Examiner maintains the art rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

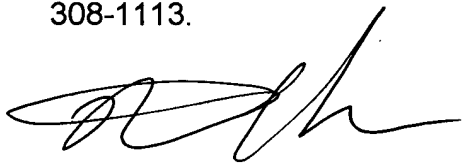
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

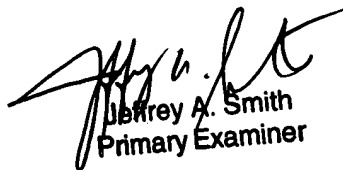
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703)-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



Naeem Haq, *Patent Examiner*
Art Unit 3625

August 13, 2003



Jeffrey A. Smith
Primary Examiner